

Message Text

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TO AMEMBASSY LONDON IMMEDIATE
AMEMBASSY BONN IMMEDIATE
INFO USMISSION USNATO IMMEDIATE
AMEMBASSY PARIS IMMEDIATE
USMISSION GENEVA IMMEDIATE

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NODIS
USSALTTWO

E.O. 11652: GDS

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SUBJECT: PREPARATIONS FOR NAC CONSULTATION ON SALT

1. FOLLOWING UP ON BILATERAL CONSULTATIONS JANUARY 30-31
IN LONDON AND BONN, WE HAVE PROPOSED A NAC SESSION ON
FEBRUARY 24 TO DISCUSS SALT AND SECURITY ISSUES, INCLUDING
NON-CIRCUMVENTION AND THE PRINCIPLES FOR SALT III. WE
WOULD LIKE TO ENSURE THAT NAC SESSION IS AS PRODUCTIVE AS
POSSIBLE, AND THAT IT NOT BE A SOURCE OF US-FRG FRICTION.
DESPITE FRG MISGIVINGS ON NON-CIRCUMVENTION, WE WOULD STILL
PLAN TO PROPOSE MOVING AHEAD WITH THE FALLBACK LANGUAGE IN
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GENEVA AT AN APPROPRIATE TIME FOLLOWING THE NAC CONSULTA-
TION. OUR OBJECTIVE AT THE NAC WILL BE TO DISCUSS FURTHER
THE TACTICS AND SUBSTANCE OF THE NON-CIRCUMVENTION ISSUE,
INCLUDING THE IMPLICATIONS FOR THE ALLIANCE OF THE PRO-
VISION WE ARE PROPOSING. WE FEEL THERE IS SOLID OPPOR-
TUNITY FOR MUTUAL UNDERSTANDING ON THE PROVISION AND ITS
ACTUAL IMPACT ON OUR ABILITY TO CONTINUE MUTUALLY SUPPOR-
TIVE DEFENSE RELATIONSHIPS WITH THE ALLIES, IF WE CAN GET
BEYOND THE FRG'S LEGAL CONCERNS.

2. WE ARE ALSO INTERESTED IN ENGAGING THE REST OF THE ALLIES IN A DISCUSSION OF THE PRINCIPLES FOR SALT III AND THE QUESTION OF GRAY AREAS.

3. FOR BONN: REQUEST EMBASSY CALL ON MFA AND MAKE FOLLOWING POINTS:

--US THOUGHT THAT BILATERAL CONSULTATIONS JANUARY 30 WERE EXTREMELY VALUABLE; OUR UNDERSTANDING OF GERMAN CONCERNS HAS BEEN ENRICHED, AND WE HOPE WE WERE ABLE TO REASSURE THE FRG ON A NUMBER OF POINTS.

--WE THOROUGHLY APPRECIATE THE FRG CONCERN THAT NON-CIRCUMVENTION IN SALT SHOULD NOT GIVE THE USSR THE OPPORTUNITY TO INTERFERE IN ALLIANCE ACTIVITIES, OR TO APPLY PRESSURE ON ANY MEMBER OF THE ALLIANCE.

--THE OBLIGATIONS WHICH THE US WOULD ASSUME IN A SALT AGREEMENT WOULD BE OBLIGATIONS ONLY ON THE UNITED STATES; WE HAVE CONSISTENTLY REJECTED ANY NOTION OF INCLUSION OF OUR ALLIES, INCLUDING COMPENSATION FOR THEIR FORCES. NOTHING IN THE NON-CIRCUMVENTION LANGUAGE WOULD IN ANY WAY CHANGE THE BILATERAL CHARACTER OF THE AGREEMENT.

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--ON THE LEGAL PRECEDENT, YOUR LAWYERS POINTED TO THE REFERENCE TO "OTHER STATES" AS OPENING THE WAY TO A BROAD INTERPRETATION, MAKING IT POSSIBLE FOR THE SOVIETS TO CHALLENGE ACTIONS NOT ONLY OF THE US BUT OF OTHER STATES. HOWEVER, IT IS A BASIC PRINCIPLE OF INTERNATIONAL LAW THAT NO SOVEREIGN STATE CAN BE AFFECTED OR BOUND BY AN AGREEMENT BETWEEN TWO OTHER STATES, TO WHICH IT IS NOT A PARTY. THESE AGREEMENTS APPLY TO THE US AND SOVIET UNION ONLY.

-THE REFERENCE TO "OTHER STATES" OFFERS THE SOVIETS AN EXCUSE TO DROP THEIR NON-TRANSFER LANGUAGE. IT DOES RECORD THAT ONE OF THE POSSIBLE WAYS IN WHICH THE AGREEMENT MIGHT BE CIRCUMVENTED COULD BE THROUGH OTHER PARTIES. IF THIS SECURES SOVIET AGREEMENT TO DROP NON-TRANSFER LANGUAGE, THEN IT SERVES OUR OBJECTIVES, SINCE A PROHIBITION ON TRANSFER WOULD CONSTRAIN OUR FLEXIBILITY. IT DOES NOT CREATE ANY NEW SUBSTANTIVE OR LEGAL SITUATION.

-.THE REFERENCE TO "OTHER STATES, WOULD ADD NEITHER AN ADDITIONAL LEGAL OBLIGATION NOR SUBSTANTIVE CONSTRAINT ON THE US. LEGALLY, IT HAS ALWAYS BEEN OUR POSITION THAT, AS THE GERMANS THEMSELVES STATE IT, THE CONCEPT OF NON-CIRCUMVENTION IS INHERENT IN TREATIES. THE INCLUSION OF A PROVISION DOES NOT INCREASE THE IMPORTANCE OR CHANGE THE NATURE OF AN INHERENT OBLIGATION. SUBSTANTIVELY, WE HAVE

EXPLAINED TO YOU THAT WE ARE NOT PREPARED TO ACCEPT SOVIET EFFORTS TO USE SALT, WITH OR WITHOUT A REFERENCE TO "OTHER STATES", TO BRING PRESSURE ON STATES NOT PARTY TO THE AGREEMENT OR TO INTERFERE WITH US COLLABORATION WITH ITS ALLIES.

--POLITICALLY, THE US WILL NOT ACCEPT EFFORTS BY THE SOVIETS TO USE SALT TO BRING PRESSURE ON OTHER STATES;
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SHOULD SUCH EFFORTS ARISE, WE WOULD OURSELVES MAKE IT CLEAR TO THE SOVIETS THAT THEY WERE ENDANGERING THE FUNDAMENTAL POLITICAL BASIS OF THE AGREEMENTS.

--IN TERMS OF THE NEGOTIATING RECORD, WE WOULD BE IN A STRONG POSITION TO REJECT POTENTIAL SOVIET CHALLENGES. WE HAVE CONSISTENTLY REJECTED THE INCLUSION OF NON-TRANSFER LANGUAGE IN THE AGREEMENT, AND HAVE REFUSED TO EVEN DISCUSS IT IN THE NEGOTIATIONS. WE HAVE TOLD THE SOVIETS REPEATEDLY THAT WE WOULD NOT REGARD NON-CIRCUMVENTION AS ADDING ANY OBLIGATIONS ON US BEYOND THOSE OTHERWISE IMPOSED IN THE AGREEMENT ITSELF.

--THE US BELIEVES THAT AT THE APPROPRIATE POINT WE SHOULD BE PREPARED TO PROCEED WITH THE FALLBACK LANGUAGE TO COMPLETE THIS PART OF THE NEGOTIATION WITH THE SOVIETS. THE SOVIETS HAVE RECENTLY MOVED TO UNITE THEIR LANGUAGE ON NON-CIRCUMVENTION AND NON-TRANSFER, AND TO DELETE MANY OF THE SPECIFICS OF THEIR NON-TRANSFER LANGUAGE; THEIR POSITION IS, HOWEVER, STILL UNACCEPTABLE SINCE IT CONTINUES TO INCLUDE NON-TRANSFER LANGUAGE.

--THE FRG SUGGESTED AMENDING THE FALLBACK LANGUAGE TO DELETE THE REFERENCE TO "OTHER STATES", LEAVING ONLY THE PHRASE "IN ANY MANNER". WE BELIEVE THAT THE PRESENT LANGUAGE OF THE FALLBACK IS REQUIRED TO GET THE SOVIETS TO DROP THEIR NON-TRANSFER LANGUAGE, WHICH IS ESSENTIAL IF WE ARE TO RETAIN THE NECESSARY FLEXIBILITY FOR COOPERATION IN THE ALLIANCE. AT THE SAME TIME, THE "OTHER STATES" REFERENCE WOULD NOT IMPOSE ANY ADDITIONAL OBLIGATIONS ON THE US BEYOND THOSE IN THE AGREEMENT, NOR COULD THAT LANGUAGE AFFECT ANY STATE NOT A PARTY TO THE AGREEMENT.

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-- THE FRG ALSO SUGGESTED THE POSSIBILITY OF A UNILATERAL DECLARATION OF INTERPRETATION ON NON-CIRCUMVENTION. WE DO NOT BELIEVE THAT A FORMAL DECLARATION OF INTERPRETATION WOULD BE IN THE ALLIANCE INTEREST, SINCE IT COULD FORCE THE SOVIETS TO RESPOND WITH THEIR OWN INTERPRETATION AND COULD

LEAD TO A DETAILED NEGOTIATION OVER NON-TRANSFER. WE ARE, HOWEVER, PREPARED TO RESPOND TO QUESTIONS IN THE ALLIANCE, BILATERALLY AND IN THE NAC, AND TO THE US CONGRESS IN THE RATIFICATION PROCESS, ON THE IMPLICATIONS OF THE NON-CIRCUMVENTION PROVISION FOR THE ALLIANCE, IN A WAY WHICH WILL BUILD A CLEAR AND CONSISTENT PUBLIC RECORD SUPPORTING OUR CONTINUING ABILITY TO WORK WITH OUR ALLIES, OUR FLEXIBILITY AND OUR ABILITY TO WITHSTAND PRESSURE. WE MIGHT ALSO WANT TO CONSIDER MAKING A FORMAL STATEMENT IN NATO ON NON-CIRCUMVENTION, WHICH COULD BE DRAWN UPON AT THE APPROPRIATE TIME DURING THE RATIFICATION PROCESS.

-- A SUGGESTION WAS ALSO MADE IN THE BONN CONSULTATIONS THAT WE ATTEMPT TO SPECIFY THE SYSTEMS TO WHICH NON-CIRCUMVENTION APPLIES. FOR THE SAME REASONS, WE DO NOT BELIEVE THAT THIS WOULD BE IN OUR INTEREST. OUR APPROACH TO NON-CIRCUMVENTION IS BASED ON THE LONGSTANDING VIEW IN THE ALLIANCE THAT THE PROVISION SHOULD BE GENERAL, AND THAT IT SHOULD NOT RPT NOT CONSTITUTE A FORM OF NON-TRANSFER CLAUSE. AS WE HAVE EXPLAINED, OUR APPROACH WOULD NOT PRECLUDE US FROM ASSISTING OUR ALLIES, ON A CASE-BY-CASE BASIS, WITH SYSTEMS AND TECHNOLOGY THAT WAS NOT PROHIBITED TO THE US ITSELF IN THE AGREEMENT. THIS ALLOWS US MORE FLEXIBILITY THAN A LISTING OF PARTICULAR SYSTEMS, WHICH WOULD BE AN INVITATION TO A SOVIET EFFORT TO SPECIFY NON-TRANSFER REQUIREMENTS.

4. WE WILL BE DISCUSSING NON-CIRCUMVENTION WITH THE NAC FEBRUARY 24, WITH A VIEW TO PROCEEDING AT AN APPROPRIATE FUTURE DATE TO PRESENT THE FALLBACK LANGUAGE IN GENEVA. WE
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WILL USE THAT LANGUAGE AT A TIME WHEN WE ARE REASONABLY SURE THAT IT WILL CLOSE OFF FURTHER DISCUSSION ON THIS ISSUE .

5. FOR LONDON: YOU SHOULD EXPRESS APPRECIATION FOR UK SUPPORT OF OUR APPROACH IN BILATERALS, AND APPRISE FCO OF OUR GENERAL LINE WITH THE FRG ON NON-CIRCUMVENTION. YOU SHOULD INDICATE THAT WE WOULD INTEND TO DISCUSS NON-CIRCUMVENTION AT THE FEBRUARY 24 NAC, WITH A VIEW TO PROCEEDING AT AN APPROPRIATE FUTURE DATE TO PRESENT THE FALLBACK LANGUAGE IN GENEVA. WE WOULD APPRECIATE KNOWING WHAT HMG MAY HAVE LEARNED IN BILATERAL CONSULTATIONS WITH THE FRG ON THESE ISSUES, AND WOULD OF COURSE APPRECIATE ANY ASSISTANCE

WHICH HMG MIGHT BE ABLE TO OFFER IN CONVINCING THE FRG OF THE SOUNDNESS OF OUR APPROACH.

6. FOR BONN, LONDON: ON THE QUESTION OF SALT III PRINCIPLES AND GRAY AREAS, YOU SHOULD INDICATE THAT US PROPOSES TO DISCUSS BOTH PROCEDURAL AND SUBSTANTIVE ASPECTS AT THE

NAC, AS WE DID IN THE BILATERALS. TO FOCUS DISCUSSION, WE WOULD PRESENT OUR PREFERRED APPROACH TO THE ISSUES. BASED ON THE BILATERAL CONSULTATIONS AND OUR INTERNAL REVIEW, WE HAVE CONCLUDED THAT:

(A) THE BEST APPROACH TO THE FORM OF THE SALT III PRINCIPLES WOULD BE TO SEEK TO ARRIVE AT AS MANY AGREED PRINCIPLES AS POSSIBLE IN THE TEXT OF THE AGREEMENT, BUT TO BE PREPARED TO STATE ANY OTHER POINTS WHICH CANNOT BE AGREED IN UNILATERAL STATEMENTS OUTSIDE THE AGREEMENT. THIS COURSE WOULD PROVIDE US THE OPPORTUNITY TO PUT ON RECORD THE POINTS WE CONSIDER IMPORTANT FOR THE FUTURE, WHILE RECOGNIZING THE LIKELIHOOD THAT WE COULD NOT ARRIVE AT
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AGREEMENT WITH THE SOVIETS ON ALL ISSUES, ESPECIALLY IN LIGHT OF THE UNACCEPTABLE NATURE OF SOME OF THE DRAFT PRINCIPLES THE SOVIETS HAVE ALREADY PUT FORTH.

(B) ON THE REFERENCE TO GRAY AREAS, THE US BELIEVES THAT A RELATIVELY SIMPLE FORMULATION WOULD MEET OUR COMMON OBJECTIVES. WE WOULD PROPOSE TO MAKE A UNILATERAL STATEMENT APPROXIMATELY ON THE FOLLOWING LINES: "ANY FUTURE LIMITATIONS ON US SYSTEMS PRINCIPALLY DESIGNED FOR THEATER MISSIONS SHOULD BE ACCOMPANIED BY APPROPRIATE LIMITATIONS ON SOVIET THEATER SYSTEMS." SUCH AN APPROACH WOULD ESTABLISH A CLEAR NEED FOR BALANCE BETWEEN US AND SOVIET OBLIGATIONS REGARDING THEATER SYSTEMS, WITHOUT ATTEMPTING TO SPECIFY IN DETAIL THE NEGOTIATING POSITION WE MIGHT ADOPT, THUS PRESERVING US AND ALLIANCE FLEXIBILITY.

7. FOR BONN AND LONDON: WE WISH TO FOLLOW-UP CONSULTATIONS ON ERW WITH BRITISH AND GERMANS AT END OF JANUARY BY TAKING THE INITIATIVE PROMPTLY IN THE FULL ALLIANCE TO RESOLVE THIS ISSUE. WE RECOGNIZE THAT THE BRITISH STILL HAVE STRONG POLITICAL RESERVATIONS ON ERW AND WOULD PROBABLY PREFER TO DELAY A DECISION, BUT WE BELIEVE THAT THE DISADVANTAGES OF FURTHER DRIFT FAR OUTWEIGH THE GAINS. SPECIFICALLY, WE CONSIDER THE ALLIANCE MUST STATE ITS INTENTIONS ON ERW WELL BEFORE THE MAY SUMMIT (AND, INCIDENTALLY, THE UNGA SPECIAL SESSION ON DISARMAMENT THAT STARTS MAY 23). PUTTING ACTION OFF UNTIL MID-YEAR OR LATER WOULD GIVE THE SOVIET PROPAGANDA CAMPAIGN A FREE RUN, LET THEIR ONE-SIDED ARMS CONTROL SOLUTION (MUTUAL RENUNCIATION) DOMINATE PUBLIC CONSIDERATION OF THIS ASPECT OF ERW, AND

PERMIT ALLIED DIVISIONS OVER ERW TO FERMENT FOR TOO LONG. WE ARE CONCERNED, FURTHER, THAT THE ER ISSUE COULD OVERSHADOW THE POLITICAL AND DEFENSE DISCUSSIONS THAT SHOULD BE THE CENTERPIECE OF THE NATO SUMMIT.

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WE ALSO RECOGNIZE THAT THE ARMS CONTROL LINKAGE WE PROPOSE IS NOT UNIFORMLY SUPPORTED IN THE FRG, WITH THE CHANCELLOR PERHAPS FAVORING MBFR OVER THE SS-20. WE HAVE INDICATIONS FROM WITHIN THE FRG FOREIGN OFFICE, HOWEVER, THAT THE BEST WAY TO HELP THEM RESOLVE THEIR POLICY IMPASSE IS TO GIVE A CLEAR LEAD.

ACCORDINGLY, AMEMBASSIES LONDON AND BONN SHOULD MAKE THE FOLLOWING POINTS AT THE APPROPRIATE LEVEL (WE SUGGEST OWEN AND VAN WELL/BLECH):

-- WE HAVE CONSIDERED SERIOUSLY THE POINTS YOU MADE IN OUR RECENT BILATERAL CONSULTATIONS ON THE WAY WE SHOULD PLAY THE ENHANCED RADIATION WARHEAD ISSUE IN THE ALLIANCE. THE NEED TO DEAL CONSTRUCTIVELY WITH THIS PROBLEM WELL BEFORE THE MAY NATO SUMMIT AND THE SSOD CONVINCES US THAT WE SHOULD ACT NOW, SO THAT THE ER ISSUE DOES NOT OVERSHADOW THE MAIN TOPICS OF THE SUMMIT.

-- THE STRONG ALLIED PREFERENCE FOR A LINK BETWEEN THE ERW AND ARMS CONTROL OBJECTIVES SUGGESTS TO US THE FOLLOWING THREE-PART SCENARIO -- EACH ELEMENT IS LINKED TO THE OTHERS:

FIRST, THE US WOULD ANNOUNCE THAT IT HAD DECIDED TO BEGIN PRODUCTION OF THE ERW, LOOKING TO ITS INITIAL DEPLOYMENT IN EUROPE IN ABOUT TWO YEARS -- ON THE GROUNDS THAT ER FILLS A REAL REQUIREMENT IN MODERNIZING TACTICAL NUCLEAR FORCES FOR USE AGAINST NUMERICALLY SUPERIOR ARMORED FORCES IN CENTRAL EUROPE; IS A DEFENSIVE SYSTEM; AND, RATHER THAN LOWERING THE NUCLEAR THRESHOLD, AS SOME HAVE ARGUED, WILL ENHANCE DETERRENCE AND THUS INCREASE STABILITY.

SECOND, AT THE SAME TIME, THE US WOULD STATE THAT IT IS
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WILLING TO AGREE TO A BALANCED ARMS CONTROL OUTCOME IN WHICH WE WOULD FOREGO DEPLOYMENT OF ERW IN EUROPE IN RETURN FOR SOVIET AGREEMENT TO FOREGO DEPLOYMENT OF THE SS-20.

THIRD, ALSO AT THE SAME TIME, AN ALLIED STATEMENT (IN A FORM TO BE DECIDED) SUPPORTING THIS APPROACH TO ERW; INDICATING THAT THE ALLIES JOIN US IN CALLING ON THE SOVIETS TO MAKE A CONSTRUCTIVE RESPONSE TO OUR ARMS CONTROL PROPOSAL FOR REMOVING THE THREAT OF A NEW DESTABILIZING SOVIET SYSTEM FROM THE THEATER; AND THAT THEY ACCEPT DEPLOYMENT OF THE ERW IN THE EUROPEAN THEATER AS A FORCE MODERNIZATION

STEP REQUIRED BY SOVIET IMPROVEMENTS, IF THE SOVIETS FAIL TO RESPOND TO THE ARMS CONTROL OFFER.

YOU SHOULD TELL THE BRITISH AND GERMANS THAT WE PROPOSE TO OUTLINE THIS SCENARIO AT THE FEBRUARY 24 NAC MEETING ON SALT. (FYI ONLY: UNLESS WE GET VIGOROUS OBJECTION FROM BONN OR LONDON. END FYI) WE WILL NOT SEEK OR EXPECT TO GAIN ALLIANCE CONSENSUS TO THIS APPROACH ON FEBRUARY 24, BUT WE WANT TO GIVE THE ALLIES A STRONG LEAD, AND TO INDICATE THAT WE WOULD LIKE ALLIED AGREEMENT SOON TO AN APPROACH ALONG THESE LINES. A FURTHER NAC MEETING COULD BE SCHEDULED IN THE NEAR FUTURE FOR THAT PURPOSE. WE WOULD HOPE THAT THE UK AND FRG WOULD BE ABLE TO SUPPORT OUR PROPOSALS AT THE FEBRUARY 24 MEETING, AND WE WELCOME THEIR COMMENTS BEFOREHAND. (FYI: SINCE WE WILL ALSO WANT TO INFORM A FEW OTHER ALLIES OF OUR APPROACH AFTER LEARNING FROM THE BRITISH AND GERMANS, AND BEFORE THE NAC, WE HOPE TO GET PROMPT BRITISH AND GERMAN REACTIONS. END FYI)

8. FOR BONN: WE HAD HOPED TO HAVE FURTHER BILATERAL WITH KLAUS BLECH ON ER. SINCE THAT HAS NOT PROVEN POSSIBLE, WE HOPE FRG WILL UNDERSTAND OUR DESIRE TO MOVE ON WITH CONSULTATIONS, AND WILL, IF IT WISHES, LET US KNOW BILATERALLY ITS LATEST THINKING ON THIS ISSUE PRIOR TO THE NAC.

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9. FOR PARIS: SINCE FRENCH ORIGINALLY DESIGNATED DELABOULAYE AS INTERLOCUTOR ON THESE SUBJECTS, WE PLAN TO TAKE UP FOREGOING WITH HIM INITIALLY AND MAY INSTRUCT YOU TO FOLLOW UP WITH QUAI AFTER OUR DISCUSSION WITH DELABOULAYE. VANCE

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